

**Document:** Proposed Rule

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**TITLE 839 SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST, AND MENTAL HEALTH COUNSELOR BOARD**

**Proposed Rule**

LSA Document #01-160

DIGEST

Adds 839 IAC 1-1-3.2 to define “graduate”. Adds 839 IAC 1-1-3.3 to define “graduate accumulating experience”. Adds 839 IAC 1-2-2.1 to establish requirements for licensure retirement and licensure reinstatement. Adds 839 IAC 1-3-5 to establish examination requirements for social workers and clinical social workers. Repeals 839 IAC 1-2-4, 839 IAC 1-5-6, and 839 IAC 1-6-6. Effective 30 days after filing with the secretary of state.

839 IAC 1-1-3.2	839 IAC 1-3-5
839 IAC 1-1-3.3	839 IAC 1-5-6
839 IAC 1-2-2.1	839 IAC 1-6-6
839 IAC 1-2-4	

SECTION 1. 839 IAC 1-1-3.2 IS ADDED TO READ AS FOLLOWS:

**839 IAC 1-1-3.2 “Graduate” defined**

**Authority:** IC 25-23.6-2-8

**Affected:** IC 25-23.6-4-2; IC 25-23.6-5-2; IC 25-23.6-6-2

**Sec. 3.2. “Graduate” means an applicant who has obtained the required degree for social worker, clinical social worker, marriage and family therapist, or mental health counselor licensure.** (*Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-1-3.2*)

SECTION 2. 839 IAC 1-1-3.3 IS ADDED TO READ AS FOLLOWS:

**839 IAC 1-1-3.3 “Graduate accumulating experience” defined**

**Authority:** IC 25-23.6-2-8

**Affected:** IC 25-23.6-4-2; IC 25-23.6-5-2; IC 25-23.6-6-2

**Sec. 3.3. A “graduate accumulating experience”, required for licensure, includes applicants who have failed the required examination.** (*Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-1-3.3*)

SECTION 3. 839 IAC 1-2-2.1 IS ADDED TO READ AS FOLLOWS:

**839 IAC 1-2-2.1 Licensure retirement**

**Authority:** IC 25-23.6-2-8

**Affected:** IC 25-23.6-8-9

**Sec. 2.1. (a) An individual who is licensed to practice social work, clinical social work, marriage and family therapy, or mental health counseling, and who would like to retire the license, shall notify the board in writing when the individual retires from practice. Upon receipt of notice, the board shall release the individual from further payment of renewal fees and continuing education requirements.**

**(b) An individual who is licensed to practice social work, clinical social work, marriage and family therapy, or mental health counseling, and would like to reinstate the retired license shall do the following:**

**(1) Notify the board in writing.**

**(2) Submit proof of continuing education requirements, as outlined by the board, depending on the number of years the license has been in retirement as follows:**

**(A) Zero (0) to three (3) years, no continuing education shall be required.**

**(B) Three (3) to six (6) years, one (1) year of continuing education shall be required and must be completed within twelve (12) months prior to the petition for reinstatement.**

**(C) Six (6) to ten (10) years, two (2) years of continuing education shall be required and must be completed within twenty-four (24) months prior to the petition for reinstatement.**

**(D) Retirement years shall be calculated from the receipt of request until reinstatement.**

*(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-2-2.1)*

SECTION 2. 839 IAC 1-3-5 IS ADDED TO READ AS FOLLOWS:

**839 IAC 1-3-5 Examination requirements**

**Authority: IC 25-23.6-2-8**

**Affected: IC 25-23.6-5-1**

**Sec. 5. (a) An applicant applying for licensure by examination as a clinical social worker and/or a social worker, approved by the board to sit for the examination shall sit for that examination within one (1) year from the date of the initial board approval. If the exam applicant has not taken the examination within one (1) year from the date of the initial board approval, the initial board approval will be invalid and the applicant must file a new application.**

**(b) The board will notify the applicant in writing of examination results.**

**(c) Applicants determined by the board to have failed the examination, who wish to retake the examination, shall submit a repeat examination application, fees, and other requirements as stated in 839 IAC 1-2-1.**

**(d) Applicants who fail the examination three (3) times shall personally appear before the board prior to retaking the examination. *(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-3-5)***

SECTION 3. THE FOLLOWING ARE REPEALED: 839 IAC 1-2-4; 839 IAC 1-5-6; 839 IAC 1-6-6.

***Notice of Public Hearing***

*Under IC 4-22-2-24, notice is hereby given that on October 22, 2001 at 9:35 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room 1, Indianapolis, Indiana the Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board will hold a public hearing on proposed rules concerning definitions of terms, licensure retirement and reinstatement, and examination requirements; and proposed repeals of rules concerning disclosure of credentials, examination exemption, and continuing education. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W041 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Lisa R. Hayes  
Executive Director  
Health Professions Bureau